

DUAL ENROLLMENT

COMPARISON OF NON-AB 288 AGREEMENTS AND AB 288 Partnership Agreements for Dual Enrollment

CLP

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Dual enrollment partnerships require legal contracts. Memorandums of Understanding (MOUs), Instructional Service Agreements (ISAs) and College and Career Access Pathway (CCAP) Partnership Agreements are all contracts or agreements. These agreements outline the procedures and conditions governing student enrollment and fees, support and monitoring and withdrawal as well and which partner will be responsible for key tasks to ensure students' success.

Dual enrollment courses that are offered under AB 288 partnerships are required to have a College and Career Access Pathway (CCAP) Partnership Agreement. The name College and Career Access Pathway (CCAP) Partnership Agreement is specifically referred to in the legislation and this name, AB 288 CCAP Partnership Agreement, is what triggers the authority of the legislation.¹

Dual enrollment courses offered under non-AB 288 legislation need a legal agreement. This agreement may be an MOU, an ISA, or more simply an "Agreement." To avoid confusion between the types of agreements a suggested best practice is to refer to AB 288 agreements only as CCAP Partnership Agreements and non-AB 288 agreements as Agreements. The requirements of CCAP Partnership Agreements are more specific than other agreements, please see the table *below*, the latest [legal opinion](#) from the California Community college Chancellor's Office (dated March 11, 2016) and the AB 288 [Partnership Agreement Guidelines for Apportionment Eligibility](#) for details.

Element	Agreements for non-AB 288 dual enrollment	College and Career Access Pathways (CCAP) Partnership Agreement under AB 288 **
AGREEMENT		
Written Agreement Between Partners	<ul style="list-style-type: none"> ● Agreement must include: responsibilities of each party; procedures, terms and conditions for enrollment period, student fees, class hours, supervision and evaluation of students' progress, withdrawal of 	<ul style="list-style-type: none"> ● Requires agreement between the governing boards² of the partnering community college (CC) <i>district</i> and school <i>district</i>; only public school districts³ are eligible to participate. ● Must identify employer of record⁴ for purposes of assignment

¹ See March 11, 2016 [Legal Opinion](#) Section II. F (page 9).

² See March 2016 [Partnership Agreement Guidelines for Apportionment Eligibility](#) #4 and #5 (page 2).

³ See March 11, 2016 [Legal Opinion](#) Section III. E & F (pages 7-9) and [Partnership Agreement Guidelines for Apportionment Eligibility](#) #1 (page 1).

⁴ See March 2016 [Partnership Agreement Guidelines for Apportionment Eligibility](#) #6.g. (page 2).

	<p>students; and terms and conditions related to the termination of the agreement.</p> <ul style="list-style-type: none"> ● Non-AB 288 agreements under which an early college HS, middle college HS, or California Career Pathways Trust exist can continue, but cannot operate as a CCAP Partnership unless a new agreement is completed that complies with CCAP requirements. 	<p>monitoring and reporting to the County Office of Education and reporting responsibilities pursuant to applicable federal teacher quality mandates.</p>
Terms of Agreement	<ul style="list-style-type: none"> ● Must include terms of the agreement as per any contract. 	<p>Shall include, <i>but not limited to</i>:</p> <ul style="list-style-type: none"> ● # of FTES students projected to be claimed by community college⁵ ● Scope, nature, time, and location, and listing of courses to be offered ● Criteria to assess the ability of pupils to benefit from courses ● Identify point of contact for community college partner and school district partner⁶
Local Approval	<ul style="list-style-type: none"> ● Agreement must be approved by K12 and college boards. 	<ul style="list-style-type: none"> ● Agreement must be presented to each district's board twice at subsequent meetings that are open to the public--once as an information item and again for public comments and a board vote to approve or disapprove.⁷
CCCCO Approval	<ul style="list-style-type: none"> ● No requirement. 	<ul style="list-style-type: none"> ● Approved agreement must be filed with the California Community College Chancellor's Office (CCCCO) before the start of the CCAP Partnership; Chancellor has authority to void if agreement does not comply with intent of Ed Code <u>76004</u> requirements.
Purpose	<p>Providing advanced scholastic and vocational training⁸ to students who are determined to be or affirmed as being ready to</p>	<p>Expanding dual enrollment for students who may not already be college bound or who are underrepresented in higher education.</p>

⁵ See March 2016 [Partnership Agreement Guidelines for Apportionment Eligibility](#) #6.b. (page 2).

⁶ See March 2016 [Partnership Agreement Guidelines for Apportionment Eligibility](#) #6.f. (page 2).

⁷ See March 2016 [Partnership Agreement Guidelines for Apportionment Eligibility](#) #4 & #5 (page 2).

⁸ See March 11, 2016 [Legal Opinion](#) Sections III. A. 1-4 (pages 14-17).

	undertake degree-applicable credit coursework as a precondition for the admission to a community college.	
Goals		<p>Must address at least one of the following goals:</p> <ul style="list-style-type: none"> ● Developing seamless pathways from high school to community college: <ul style="list-style-type: none"> ○ for Career and Technical Education (CTE) or transfer preparation, ○ to improve high school graduation rates, or ○ to help high school students achieve college and career readiness.
Service Area (Title 5; Sections 55300 et seq)	<ul style="list-style-type: none"> ● If the courses are outside of the college district boundaries must have approval of neighboring college district. 	<ul style="list-style-type: none"> ● Agreement cannot include a service area of another community college district unless agreement exists or is established between the CC districts authorizing the CCAP Partnership.⁹
INSTRUCTOR-RELATED		
Qualifications of Instructor from the College (Title 5, Section 58058; 51225.3)	<ul style="list-style-type: none"> ● If the instructor is not a regular paid instructor of the college, there must be an additional agreement with the instructor giving the college primary right over instructional activities and attendance; the college must provide the same resources (training, orientation, materials) that it would to regular instructors. 	<p><i>As under previous legislation, and:</i></p> <ul style="list-style-type: none"> ● Certify that any CC instructor teaching courses at high school campus has not been convicted of any sex offense; see Ed Code <u>87010</u> or controlled substance offense; see Ed Code <u>87011</u>
Qualifications of High School Teacher	<ul style="list-style-type: none"> ● Must meet CC's <u>minimum teaching qualifications</u> if teaching at the CC or at the HS for college course credit. 	<ul style="list-style-type: none"> ● Must meet CC's <u>minimum teaching qualifications</u> if teaching at the CC or at the HS for college course credit.
Displacement of Instructors / Teachers		<ul style="list-style-type: none"> ● CC instructor teaching a course at the partnering high school district has not displaced or resulted in the

⁹ See March 11, 2016 [Legal Opinion](#) Section III. J (page 11).

		<p>termination of an existing high school teacher teaching the same course on the high school campus.</p> <ul style="list-style-type: none"> ● HS teacher teaching a college course has not displaced or resulted in the termination of an existing CC faculty member teaching the same course at the partnering community college district.
<p>Consistency of Qualifications (Title 5; Section 53410).</p>	<ul style="list-style-type: none"> ● The college must list the <u>minimum qualifications</u> (for instructors) and they must be consistent with other courses given by the college. 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>
COURSE-RELATED		
<p>Open Enrollment (Title 5; Sections 58051.5, 51006, 58106, 55005)</p>	<ul style="list-style-type: none"> ● Enrollment must be open to any regular college student, and the district open enrollment policy¹⁰ and course description must be published in the catalog, schedule and any addendums. This applies to courses offered on high school campuses. 	<ul style="list-style-type: none"> ● AB 288 allows for dual enrollment sections to be open only to the high school students of the high schools in the CCAP Partnership Agreement, but only if both districts adopt all of the provisions of AB 288. Community colleges may still claim apportionment (FTES) for sections offered at the HS. ● CC district may limit enrollment in community college courses solely to eligible HS students if courses are offered at HS during regular school day and the CC course is offered as part of CCAP Partnership Agreement.
<p>Course, Certificate, and Degree Approval</p>	<ul style="list-style-type: none"> ● Degree and certificate programs must be approved by the CCCCCO or the college faculty must have authority to approve courses locally. 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>
<p>Course Consistency</p>	<ul style="list-style-type: none"> ● Procedures are in place to ensure the courses in the agreement are taught in a comparable manner to similar courses on campus and students are held to a comparable standard. 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>

¹⁰ See March 11, 2016 [Legal Opinion](#) Sections III. B. 1-3 (pages 18-21).

<p>Courseload</p>	<ul style="list-style-type: none"> ● Special part-time students are limited to 11 college units. ● High school students taking more than 11 units would be special full-time students 	<p>Special part-time students are able to enroll in up to 15 college units:</p> <ul style="list-style-type: none"> ● No more than four (4) CC courses/term. ● Units must be part of academic program that is outlined in the CCAP partnership agreement.¹¹ ● Units must be part of academic program that is designed to award students both HS diploma and AA/AS degree, certificate, or credential.
<p>Course Type</p>	<ul style="list-style-type: none"> ● Courses must be specified in the agreement; course outlines and documentation that courses have gone through the curriculum approval process and are consistent with Title 5 standards must be provided. 	<ul style="list-style-type: none"> ● The scope, nature, time, location and list of courses to be offered must be included. ● Permits student enrollment in English and math remedial coursework. <ul style="list-style-type: none"> ○ Any remedial course taught by CC faculty at high school (HS) (includes qualified high school teacher teaching a college course as an “employee” of the college) shall be offered only to HS students who do not meet grade level standard in math, English, or both on an interim assessment in grade 10 or 11, and shall involve a collaborative effort between HS teacher and CC faculty to deliver remediation course in student’s junior or senior year to ensure student is prepared for college-level work upon HS graduation. ● The criteria to assess the ability of the students to benefit from the courses must be listed. ● Physical education course enrollment is <i>not</i> an option UNLESS the PE course assists in the attainment of a CTE credential, preparation for transfer,

¹¹ See March 11, 2016 [Legal Opinion](#) Section II. A (pages 5-6).

		completion of a HS diploma, or college and career readiness. ¹²
Course Access / Displacement		<ul style="list-style-type: none"> ● <i>As under previous legislation, and</i> ● Oversubscribed or waited listed courses shall not be offered as part of the CCAP Partnership. ● CC course offered for college credit at high school must not reduce access to same course offered on college campus. ● High school students will not lead to enrollment displacement of eligible adult students at the CC.¹³
Career and Technical Education (CTE) justification (California Education Code, Section 78015)	<ul style="list-style-type: none"> ● Justification of CTE using labor market data and a job market survey prior to the establishment of a program. <i>NOTE: Many colleges do not address this specifically in their ISA because this survey is an established part of their existing CTE programs.</i> 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>
STUDENT-RELATED		
Student Eligibility	<ul style="list-style-type: none"> ● Students ready to take on college-level work is determined by K12 district, but college district can decline students' admission as long as decision is not based on discriminatory criteria.¹⁴ ● CC should require K12 district to <i>complete and keep on file</i> documentation.¹⁵ certifying students' ability to benefit from advanced scholastic (college level) or vocational work. 	<ul style="list-style-type: none"> ● <i>As under previous legislation, and</i> ● The focus is on: <ul style="list-style-type: none"> ○ Creating HS to college pathways for students who are underrepresented on college campuses. ○ Supporting students who may not be college bound. ○ Helping HS students achieve college and career readiness
Student Enrollment / Priority	<ul style="list-style-type: none"> ● Protocols for parental consent for student enrollment must be established. 	<ul style="list-style-type: none"> ● <i>As under previous legislation, and</i> ● CCAP Partnerships can assign students <u>Tier 3 enrollment priority</u>; same priority enrollment

¹² See March 11, 2016 [Legal Opinion](#) Section II. I. (pages 10-11).

¹³ See March 11, 2016 [Legal Opinion](#) Section II. L. (pages 12-13).

¹⁴ See March 11, 2016 [Legal Opinion](#) Section III. A. 3. (page 15).

¹⁵ See March 11, 2016 [Legal Opinion](#) Section III. F. 1 (page 26).

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	<ul style="list-style-type: none"> ● Special admit students given lowest enrollment priority unless enrolled in a middle college HS. 	<ul style="list-style-type: none"> ● assigned to middle college HS students. ● Protocols for parental consent for HS student enrollment must be established.
Student Records	<ul style="list-style-type: none"> ● Student attendance, grades, and achievement records may be maintained by whichever institution the agreement names and must be open to review by college officials. 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>
Student Services	<ul style="list-style-type: none"> ● Both the college and the K12 districts will ensure that student support services, such as counseling, placement assistance, assessment, and tutoring, will be provided to the students. 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>
Student Fees	<ul style="list-style-type: none"> ● Special part-time students can be exempted as a group from paying per unit enrollment fee for up to and including 11 units; no authority for college or district to exempt special-admit full-time students <i>as a group</i> from enrollment fees. ● Nonresident special part-time admit students are permitted (Ed Code 76140(a)(3)) <i>but not required</i> to be exempt from all or parts of the nonresident fee; apportionment cannot be claimed for these students. 	<ul style="list-style-type: none"> ● HS students enrolled in a CCAP partnership course shall not be assessed any fee that is prohibited by Ed Code Section 49011. ● CC district governing board shall exempt qualifying special part-time students from fee requirements (see Ed Code 76060.5, 76140, 76223, 76300, 76350, and 79121). ● Nonresident special part-time admit students are required to be exempt from part or all of the nonresident fees (Ed Code 76140); apportionment cannot be claimed of these students (Ed Code 76004). <small>16</small>
Books and Supplies		<ul style="list-style-type: none"> ● HS students may not be assessed any fee prohibited by Ed Code Section 49011 including books and supplies.
FUNDING-RELATED		
Apportionment and Allowances	<ul style="list-style-type: none"> ● The community college district must certify that it does not receive full compensation for the direct 	<ul style="list-style-type: none"> ● <i>As under previous legislation and:</i> ● District course on HS campus shall be credited with those units (if equal to no more than four CC courses / term) of FTE students

¹⁶ See March 11, 2016 [Legal Opinion](#) Section II. K. (page 11).

	<p>educational cost of the course(s) from any public or private agency, individual or group.</p> <ul style="list-style-type: none"> ● The community college district is responsible for obtaining certification from the public agency verifying that the instructional activity to be conducted will not be fully funded by other sources. 	<p>attributable to attendance of eligible HS students.</p> <ul style="list-style-type: none"> ● District shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment. ● HS students' attendance at CC as special part-time or full-time student is authorized attendance for which the CC shall be credited or reimbursed provided that no school district has received reimbursement for the same instructional activity (See Ed Code Sections <u>48802</u> or <u>76002</u>).
<p>Number / % of students</p>	<ul style="list-style-type: none"> ● Limited to 5 percent of part-time or full-time special admit students for summer session;¹⁷ documentation necessary for potential attendance accounting review.¹⁸ ● Limited to 10 percent enrollment of part-time or full-time special admit students for each physical education class <i>or</i> course. section¹⁹ (See <u>Senate Bill 338</u>); documentation necessary for potential attendance accounting review. 	<ul style="list-style-type: none"> ● <i>As under previous legislation, with the exception</i> ● Agreement must list the number of students to be served in CCAP partnership courses. ● Enrollments cannot exceed 10% FTES cap.²⁰ ● Physical education course enrollment is <i>not</i> an option UNLESS completion of the PE course assists in the attainment of a CTE credential, preparation for transfer, completion of a HS diploma, or college and career readiness.²¹
<p>Average Daily Attendance (ADA)</p>	<ul style="list-style-type: none"> ● Full ADA requires 240 minutes of instruction, at minimum; HS must offer 180 minutes of instruction to receive at least some ADA.²² 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i>

¹⁷ See March 11, 2016 [Legal Opinion](#) Section III. D. 2. (page 24).

¹⁸ See March 11, 2016 [Legal Opinion](#) Section III. F. 4. (page 27).

¹⁹ See March 11, 2016 [Legal Opinion](#) Section III. E. 1. (page 25).

²⁰ See March 11, 2016 [Legal Opinion](#) Section II. D. (page 7).

²¹ See March 11, 2016 [Legal Opinion](#) Section II. I. (pages 10-11).

²² See December 10, 2015 [interview with Wendi McCaskill](#), Fiscal Consultant, School Fiscal Services, with the California Department of Education.

Number of FTES to be Claimed	<ul style="list-style-type: none"> ● Statewide number of FTES students claimed as special admits shall not exceed 10 percent of the total number of FTES claimed statewide.²³ 	<ul style="list-style-type: none"> ● <i>As under previous legislation.</i> ● Agreement must list the number of FTES the college will claim.
Facilities	<ul style="list-style-type: none"> ● The facilities where courses are offered must be clearly marked as open to the public, unless the college is not claiming apportionment. 	<ul style="list-style-type: none"> ● Protocols for sharing facilities must be established.
REPORTING-RELATED		
Reporting Requirements	<ul style="list-style-type: none"> ● Separate from the information collected via the MIS system, the <u>Apportionment Attendance Report (CCFS-320)</u> is also required; includes an addendum where districts are required to report information that allows the California Community College Chancellor’s office to monitor whether the 5 percent cap on Physical Education FTES has been exceeded. 	<p>In addition to the <u>Apportionment Attendance Report (CCFS-320)</u> report, CCAP Partnerships shall submit the following information:</p> <ul style="list-style-type: none"> ● The statewide 10% FTES cap on special admit students should include both non-AB 288 <i>and</i> AB 288 students ● CC district and school district shall comply with local collective bargaining agreements and all state and federal reporting requirements regarding qualifications of the teachers or faculty members teaching CCAP courses. ● Annual report of the following shall be submitted: <ul style="list-style-type: none"> ○ # of CC courses by course category and type and by school site enrolled in by # of CCAP students, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws. ○ # and % of successful course completions, by course category, and type and by school site, of CCAP students. ○ # of FTES generated by CCAP partnership CC district participants.

²³ See March 11, 2016 [Legal Opinion](#) Section II. D. (page 7).

Data Sharing		<ul style="list-style-type: none"> ● Protocols for sharing data must be established, in compliance with applicable state and federal privacy laws.
Information Sources	<p>* The information in this section is from the March 11, 2016 <u>Legal Opinion</u> from the California Community College Chancellor’s Office, and its <u>Guidelines for Instructional Service Agreements</u>.</p>	<p>** The information in this section is from the <u>text of the AB 288 legislation, Ed. Code 76004</u>, the March 11, 2016 <u>Legal Opinion</u> from the California Community College Chancellor’s Office, and the <u>Partnership Agreement Guidelines for Apportionment Eligibility</u>.</p>